

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**AMERICAN MEDICAL FACILITIES  
MANAGEMENT, LLC, d/b/a/ AMFM  
Plaintiff,**

**v.**

**CIVIL ACTION NO.: 2:21-cv-00400  
HONORABLE JOHN T. COPENHAVER, JR.**

**AARON & GIANNA, PLC, ET AL.**

**Defendants.**

**DEFENDANT AARON & GIANNA, PLC'S MOTION TO DISMISS PLAINTIFF'S  
AMENDED COMPLAINT FOR LACK OF PERSONAL JURISDICTION (12(b)(2)  
AND IMPROPER VENUE (12(b)(3)**

NOW COMES the Defendant, Aaron & Gianna, (hereinafter sometimes referred to as "A&G"), by and through counsel, Kevin J. Robinson and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and respectfully moves this Court to dismiss Plaintiff's Amended Complaint for lack of personal jurisdiction pursuant to Rule 12(b)(2) and lack of venue pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure. In support of its Motion, Defendant states as follows:

- I. Plaintiff's Amended Complaint should be dismissed pursuant to Federal Rule of Civil Procedure Article 12(b)(2) for lack of personal jurisdiction.**
- II. Plaintiff's Amended Complaint should be dismissed pursuant to Federal Rule of Civil Procedure Article 12(b)(3) for improper venue.**

**Exhibit A      Affidavit of Deron Brown**

**Exhibit B      Plaintiff's Amended Complaint**

**Exhibit C      Affidavit of DeWayne Williams**

**Exhibit D      Email**

**CONCLUSION**

WHEREFORE, A&G submits that Plaintiff's Amended Complaint should be dismissed: (1) pursuant to Federal Rule of Civil Procedure Article 12(b)(2) for lack of personal jurisdiction; and (2) for improper venue.

**AARON & GIANNA, PLC**  
By Counsel,

/s/ Kevin J. Robinson  
\_\_\_\_\_  
Kevin J. Robinson, WV State Bar No. 10181

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Defendants.

**CERTIFICATE OF SERVICE**

The undersigned, counsel of record for Defendants, does hereby certify on this 14th day of December, 2021, that a true copy of the foregoing "**DEFENDANT AARON & GIANNA, PLC'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT FOR LACK OF PERSONAL JURISDICTION (12(b)(2) AND IMPROPER VENUE (12(b)(3))**" was served upon opposing counsel through the Court's CM/ECF filing system as follows:

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Kevin J. Robinson, WV State Bar No. 10181